

**AN ORDINANCE BY
COMMUNITY DEVELOPMENT AND
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO IMPLEMENT A GRANT PROGRAM PROMOTING TREE PLANTING ON PRIVATE AND PUBLIC PROPERTY LOCATED IN THE CITY OF ATLANTA; WHERE THE TOTAL COST OF THE GRANT PROGRAM SHALL NOT EXCEED \$130,000 AND SHALL BE PAID FROM FUND, ACCOUNT, AND CENTER NUMBER _____; AND FOR OTHER PURPOSES.

WHEREAS, the Department of Planning and Community Development (“Department”) wishes to implement a grant program to promote tree planting on private and public property located in the City of Atlanta (“City”); and

WHEREAS, the Program goals will be to: 1) Promote tree planting by local groups; 2) Encourage the preservation and maintenance of neighborhood trees; 3) Provide opportunities for shade tree planting; and 4) Promote related collaboration between community-based groups and residents; and

WHEREAS, the program shall be implemented by the Department’s Arborist Division and shall be entitled the “Trees for Atlanta Sustainability Grant Program” (the “Program”); and

WHEREAS, the Program shall award grants on a competitive basis to organizations, where each grant does not exceed \$2,000, and where the cost of the total Program does not to exceed \$130,000; and

WHEREAS, each Council District shall receive a minimum of \$10,000 of Program grant funds; and

WHEREAS, trees planted pursuant to the Program must be located on either: a portion of private property that benefits the public, for example on a portion of private property that is close to City right-of-way and would provide shade thereto; or public property whose location benefits the community, for example adjacent to a neighborhood sidewalk; and

WHEREAS, pursuant to the Atlanta Code of Ordinances section 158-66, the City’s Tree Trust Fund allocates up to \$50,000 per year for payment of administrative costs associated with the implementation of the Tree Protection Ordinance. The Department has not utilized all of these administrative dollars, and is utilizing the unused dollars to fund the Program; and

WHEREAS, the Program will encourage Atlanta's residents to take ownership and pride in their trees, will enhance neighborhood maintenance of trees, and will help preserve and enhance Atlanta's urban forest.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: The Mayor or her designee is hereby authorized to create the Trees for Atlanta Sustainability Grant Program. The details of the Program shall be established in writing, shall be posted on the City's website, shall be available to the public upon request, and shall be implemented in a uniform manner. The Program shall include without limitation the following requirements:

- (1) The Program shall award individual grants in an amount not to exceed \$2,000, and the total cost of the Program shall not exceed \$130,000.
- (2) Each Program grant shall be for the planting of tree(s) in a location on private or public property in the City (excluding Federally-owned and State-owned property), such that the tree will provide shade to City right-of-way upon its maturity.
- (3) Each Council District shall receive the benefit of at least \$10,000 of Program grant funds, as measured by the amount of grant funds awarded for trees and tree plantings (including planting tools/supplies/materials related thereto) in that District.
- (4) Program grants may not be awarded to individuals, but rather shall be awarded to Atlanta-based: community groups; neighborhood groups or Neighborhood Planning Units; organized groups, associations, or non-profit organizations with a demonstrated record of conducting community projects in the City; and schools.
- (5) Program grants shall be awarded through a competitive review process based upon criteria that are established in writing and applied uniformly.
- (6) Program grant money must be used only for trees, tree planting, and related planting tools, supplies, and materials (for example planting soil, mulch, shovels, etc.).
- (7) Program grant recipients must guarantee the life of each tree planted for no less than one year from the date of planting, and shall replace any tree that does not survive the guarantee period.
- (8) Program grant recipients must agree to be subject to and cooperate with a City audit verifying how Program grant dollars were expended.

- (9) Prior to receiving the grant funds, each Program grant recipient must sign a City-issued waiver of liability protecting the City.

Section 2: In furtherance of the Program, the Mayor or her designee is authorized to create a voucher system, whereby: the City issues all or part of the Program grant awards in the form of vouchers; the vouchers may be presented to the City by any company that sells trees, tree planting services, or tree planting tools, supplies and materials; and the City reimburses said company for the vouchers presented. Such reimbursement shall occur without the implementation of a procurement process and without the passage of additional authorizing legislation.

Section 3: The Mayor or her designee is authorized to obtain reimbursement of Program grant funds that are accepted by an organization and used in a manner that violates the written terms of the Program. The terms associated with accepting a Program grant, including this reimbursement requirement, shall be provided in writing to each grant recipient, and the grant recipient must sign a document indicating its acceptance of said terms.

Section 4: All costs associated with the Program, including without limitation the grant award costs, shall be paid from Fund, Account, and Center Number _____.

Section 5: All existing ordinances or parts of ordinances in conflict with this ordinance shall be waived for purposes of this ordinance only, and only to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/ Human Resources Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO IMPLEMENT A GRANT PROGRAM PROMOTING TREE PLANTING ON PRIVATE AND PUBLIC PROPERTY LOCATED IN THE CITY OF ATLANTA; WHERE THE TOTAL COST OF THE GRANT PROGRAM SHALL NOT EXCEED \$130,000 AND SHALL BE PAID FROM FUND, ACCOUNT, AND CENTER NUMBER _____; AND FOR OTHER PURPOSES.

Council Meeting Date: October 5, 2009

Requesting Dept.: Department of Planning

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to implement a grant program to promote tree planting on private and public property located in the City.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Robin Shahar

Contact Number: (404) 330-6487

Originating Department: Department of Planning

Committee(s) of Purview: Community Development/ Human Resources Committee

Chief of Staff Deadline: September 1, 2009

Anticipated Committee Meeting Date(s): September 29, 2009

Anticipated Full Council Date: October 5, 2009

Legislative Counsel's Signature: Robin Shahar 

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER
DESIGNEE TO IMPLEMENT A GRANT PROGRAM
PROMOTING TREE PLANTING ON PRIVATE AND PUBLIC
PROPERTY LOCATED IN THE CITY OF ATLANTA; WHERE
THE TOTAL COST OF THE GRANT PROGRAM SHALL NOT
EXCEED \$130,000 AND SHALL BE PAID FROM FUND,
ACCOUNT, AND CENTER NUMBER _____; AND FOR
OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: 

(date)

Reviewed by: _____

(date)

Submitted to Council: _____